

REVIEWED*By Larisha Davis at 12:55 pm, Jun 25, 2007*

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**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:04-cv-01443-GMS
Internal Use Only**

Natl Starch and Chem, et al v. Cargill Inc, et al
Assigned to: Honorable Gregory M. Sleet
Demand: \$0
Cause: 35:271 Patent Infringement

Date Filed: 11/12/2004
Date Terminated: 09/13/2006
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

**National Starch and Chemical Investment
Holding Corporation**

represented by **Karen Elizabeth Keller**
Young, Conaway, Stargatt & Taylor
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Plaintiff**Penford Australia Ltd.**

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Kevin M. Baird
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John W. Shaw
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ATTORNEY TO BE NOTICED

Monte Terrell Squire
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Plaintiff**Penford Holdings Pty**

represented by **Karen Elizabeth Keller**
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John W. Shaw
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Monte Terrell Squire
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V.

Defendant**Cargill Inc**

represented by **Thomas Lee Halkowski**
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LEAD ATTORNEY
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Defendant**MGP Ingredients Inc**

represented by **Thomas Lee Halkowski**
(See above for address)

*LEAD ATTORNEY***Counter Claimant****Cargill Inc**

represented by **Thomas Lee Halkowski**
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V.

Counter Defendant**National Starch and Chemical Investment
Holding Corporation**

represented by **Kevin M. Baird**
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Counter Defendant**Penford Australia Ltd.**















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Counter Defendant**Penford Holdings Pty**

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Date Filed	#	Docket Text
11/12/2004	1	COMPLAINT filed. Magistrate Consent Notice to Pltf. FILING FEE \$ 150.00 RECEIPT # 137204 (els) (Entered: 11/15/2004)
11/12/2004		DEMAND for jury trial by Natl Starch and Chem, Penford Australia, Penford Holdings Pty (els) (Entered: 11/15/2004)
11/12/2004		No summons issued. (els) (Entered: 11/15/2004)
11/12/2004	2	Report to Commissioner of Patents and Trademarks. Exit original. RE: 5,977,454; 6,409,840 B1 (els) (Entered: 11/15/2004)
11/24/2004	3	CASE assigned to Judge Gregory M. Sleet . Notice to all parties. (rjb) (Entered: 11/24/2004)
12/06/2004	4	STIPULATION with proposed order to Extend Time to 1/5/05 for the defendant, Cargill, Inc. to file an answer to the complaint (asw) (Entered: 12/07/2004)
12/09/2004		So Ordered granting [4-1] stipulation (signed by Judge Gregory M. Sleet) Notice to all parties. (asw) (Entered: 12/13/2004)
12/09/2004		Deadline updated; reset Answer deadline to 1/5/05 for Cargill Inc (asw) (Entered: 12/13/2004)
01/05/2005	5	ANSWER to complaint and COUNTERCLAIM by Cargill Inc (Attorney Thomas Lee Halkowski); jury demand against Natl Starch and Chem, Penford Australia, Penford Holdings Pty (asw) (Entered: 01/06/2005)

02/17/2006	 96	SEALED REPLY BRIEF re 80 MOTION for Leave to File <i>First Amended Answers and Counterclaims</i> filed by Cargill Inc, MGP Ingredients Inc. (Halkowski, Thomas) (Entered: 02/17/2006)
02/17/2006	 97	SEALED DECLARATION re 96 Reply Brief in Support of Motion for Leave to File <i>First Amended Answers and Counterclaims of Thomas L. Halkowski</i> by Cargill Inc, MGP Ingredients Inc. (Halkowski, Thomas) (Entered: 02/17/2006)
02/24/2006	 98	Letter to The Honorable Gregory M. Sleet from Monte T. Squire regarding Letter in Anticipation of 2/28 teleconference. (Squire, Monte) (Entered: 02/24/2006)
02/27/2006	 99	MOTION for Leave to File a <i>Sur-Reply to Defendants' Reply Brief in Support of Their Motion for Leave to Amend</i> - filed by National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., Penford Holdings Pty. (Attachments: # 1 Text of Proposed Order # 2 Exhibit 1 and 2)(Squire, Monte) (Entered: 02/27/2006)
02/27/2006		ORAL ORDER denying 99 MOTION for Leave to File a <i>Sur-Reply to Defendants' Reply Brief in Support of Their Motion for Leave to Amend</i> filed by National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., Penford Holdings Pty. Signed by Judge Gregory M. Sleet on 2/27/06. (asw) (Entered: 02/27/2006)
02/28/2006		Minute Entry for proceedings held before Judge Gregory M. Sleet : Telephone Conference Re: Discovery held on 2/28/2006. Discussion regarding the joint agenda letter submission. (Court Reporter Kevin Maurer.) (asw) (Entered: 02/28/2006)
02/28/2006		(Court only) ***Motions terminated: 80 MOTION for Leave to File <i>First Amended Answers and Counterclaims</i> filed by Cargill Inc., MGP Ingredients Inc. The motion was granted during the telephone conference held on 2/28/06. (mmm,) (Entered: 05/15/2006)
03/03/2006	 100	Letter to The Honorable Gregory M. Sleet from John W. Shaw regarding the parties in the above-referenced matter have met and discussed a proposed discovery schedule for Defendants' new counterclaims of inequitable conduct and unfair competition. The parties also discussed the scheduling of additional depositions in light of Defendants' recent production of documents. (Shaw, John) (Entered: 03/03/2006)
03/03/2006	 101	STENO NOTES of Telephone Conference held on 2/28/06 before Judge Sleet. Court Reporter: Kevin Maurer. (Notes on file in Clerk's Office) (asw) (Entered: 03/06/2006)
03/09/2006	 102	TRANSCRIPT of Telephone Conference held on 2/28/06 before Judge Sleet. Court Reporter: Kevin Maurer. (Transcript on file in Clerk's Office) (asw,) (Entered: 03/09/2006)
03/13/2006	 103	NOTICE to Take Deposition of National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., and Penford Holdings Pty Pursuant to Rule 30(b) (6) on March 28, 2006 by Cargill Inc, MGP Ingredients Inc.(Halkowski, Thomas) (Entered: 03/13/2006)
03/13/2006	 104	NOTICE OF SERVICE of Defendants' 1st Set of Requests for Admissions, 3rd Set of Interrogatories (Nos. 15-23), and 4th Set of Requests for Production of Documents and Things (Nos. 100-104) by Cargill Inc, MGP Ingredients Inc.(Halkowski, Thomas) (Entered: 03/13/2006)
03/14/2006	 105	NOTICE of of Deposition of Defendant Cargill Corporation on 4/5/06 at 9 am by National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., Penford Holdings Pty, National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., Penford Holdings Pty (Squire, Monte) (Entered: 03/14/2006)
03/14/2006	 106	NOTICE of Service of Plaintiffs' Fourth Set of Requests for Production of Documents and Things (Nos. 93-100) and Plaintiffs' Third Set of Interrogatories to Defendants (Nos. 22-31) by National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., Penford Holdings Pty, National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., Penford Holdings Pty (Squire, Monte)

		Penford Holdings Pty, National Starch and Chemical Investment Holding Corporation, Penford Australia Ltd., Penford Holdings Pty (Squire, Monte) (Entered: 04/03/2006)
04/05/2006	 116	Letter to The Honorable Gregory M. Sleet from Monte T. Squire regarding request for leave to file summary judgment motions [SEALED]. (Squire, Monte) (Entered: 04/05/2006)
04/05/2006	 117	Letter to Honorable Gregory M. Sleet from Thomas L. Halkowski regarding Sealed Request for Leave to File Motions for Summary Judgments. (Halkowski, Thomas) (Entered: 04/05/2006)
04/11/2006	 118	Letter to The Honorable Gregory M. Sleet from Monte' T. Squire regarding National Starch's Responsive Letter Brief for Summary Judgment Motion [SEALED] - re 117 Letter. (Squire, Monte) (Entered: 04/11/2006)
04/11/2006	 119	Letter to Honorable Gregory Sleet from Thomas Halkowski regarding Response to Nat'l Starch's Letter Brief re: Summary Judgment-SEALED - re 116 Letter. (Halkowski, Thomas) (Entered: 04/11/2006)
04/12/2006	 120	REDACTED VERSION of 117 Letter to Judge Sleet from Thomas Halkowski re summary judgment motion by Cargill Inc, MGP Ingredients Inc. (Halkowski, Thomas) (Entered: 04/12/2006)
04/17/2006	 121	Letter to The Honorable Gregory M. Sleet from Thomas L. Halkowski regarding Reply to Nation Starch's opposition letter brief re summary judgment [SEALED] - re 118 Letter. (Halkowski, Thomas) (Entered: 04/17/2006)
04/17/2006	 122	Letter to The Honorable Gregory M. Sleet from Monte' T. Squire, Esquire regarding UNDER SEAL Reply to Defendants' Response letter to the court regarding Plaintiff's request to file Summary Judgment Motions - re 119 Letter. (Squire, Monte) (Entered: 04/17/2006)
04/17/2006	 123	Letter to Honorable Gregory M. Sleet from Thomas L. Halkowski regarding Enclosing Selected Documents Relevant to Defendants' Request for Summary Judgment Motions - re 117 Letter, 119 Letter, 121 Letter. (Halkowski, Thomas) (Entered: 04/17/2006)
04/17/2006	 124	REDACTED VERSION of 118 Letter by National Starch and Chemical Investment Holding Corporation, National Starch and Chemical Investment Holding Corporation. (Squire, Monte) (Entered: 04/17/2006)
04/20/2006	 125	ORDER denying letter submissions for requests to file motions for summary judgment. The telephone conference scheduled for April 21, 2006 at 10:00 shall be REMOVED from the Court's calendar. Signed by Judge Gregory M. Sleet on 4/20/06. (asw) (Entered: 04/20/2006)
04/21/2006	 126	Letter to The Honorable Gregory M. Sleet from Thomas L. Halkowski regarding Clarification of defendants' April 17, 2006 letter - re 121 Letter. (Halkowski, Thomas) (Entered: 04/21/2006)
05/03/2006	 127	ORDER SETTING DISCOVERY TELECONFERENCE: A 4th discovery teleconference (see attachment) has been scheduled for Wednesday, May 10, 2006, at 2:00 p.m. with The Honorable Gregory M. Sleet. In accordance with the Scheduling Order, a joint letter agenda (a sample can be found on the court's website) shall be filed. The joint letter agenda is due no later than Monday, May 8, 2006. Ordered by The Honorable Gregory M. Sleet on 5/3/06. (ctd) (Entered: 05/03/2006)
05/08/2006		Remark: Counsel (Halkowski) called the court today to advise, on behalf of the parties, that the discovery issue to be discussed during the teleconference scheduled for Wednesday, May 10, 2006, has been resolved. Therefore, the teleconference will be removed from the court's calendar. (ctd) (Entered: 05/08/2006)
05/15/2006	 128	NOTICE OF SERVICE of (1) Plaintiffs' First Updated Responses and Objections to Defendants' First Set of Requests for Admissions, (2) Plaintiffs' First Updated